

Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 09061 151150Z

11

ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 L-03 FRB-03 OMB-01 ITC-01

SP-02 USIA-06 AGRE-00 AID-05 CIAE-00 COME-00 INR-07

LAB-04 NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CIEP-01

CEA-01 AF-08 ARA-06 EA-07 NEA-10 /105 W

----- 103201

P R 151042Z NOV 76

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 3580

INFO USMISSION OECD PARIS

LIMITED OFFICIAL USE GENEVA 9061

E.O. 11652: N/A

TAGS: UNCTAD

SUBJECT: UNCTAD INTERGOVERNMENTAL GROUP OF EXPERTS ON A CODE OF
CONDUCT FOR TRANSFER OF TECHNOLOGY

1. SUMMARY. THE NEWLY CONSTITUTED UNCTAD IGG ON A CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY CONCLUDED FIRST WEEK WITH ELECTION OF OFFICERS, GENERAL INTRODUCTORY STATEMENTS, THE FORMATION OF WORKING GROUPS AND THREE DAYS OF DISCUSSIONS ON THE PREAMBLE, DEFINITIONS, SCOPE OF APPLICATION AND THE PRINCIPLES AND OBJECTIVES SECTIONS OF THE CODE. UPON COMPLETION OF NORMAL PROCEDURAL SKIRMISHES AND POSTURING, SUBSTANTIVE DISCUSSIONS REVEALED SIGNIFICANT DIFFERENCES ON SEVERAL KEY ISSUES. A FEW INDIVIDUAL PROVISIONS APPEAR CLOSE ENOUGH FOR SOME MOVEMENT ON DRAFTING. OBJECTIVE AT THIS SESSION IS ACHIEVEMENT OF CONSOLIDATED TEXTS, ON AD REFERENDUM BASIS, ON ONE OR TWO SECTIONS, RECOGNIZING THAT MUCH BRACKETED LANGUAGE AS WELL AS PROVISIONS FOR WHICH NO DRAFTING IS PRESENTLY POSSIBLE WILL BE INEVITABLE. END SUMMARY.

2. THE BUREAU FOR THE IGG CONSISTS OF CHAIRMAN SRONEK
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GENEVA 09061 151150Z

(CZECHOSLOVAKIA), SENIOR VICE CHAIRMAN KUNUGI (JAPAN),

THREE VICE CHAIRMEN WHO ALSO SERVE AS CHAIRMEN OF THE WORKING GROUPS AND THE RAPPOREUR (HILAL OF EGYPT). WORKING GROUPS WERE ORGANIZED AS FOLLOWS: NUMBER ONE (CHAIRMAN BY WEGENER OF FRG), WORK ON PREAMBLE, DEFINITIONS, SCOPE OF APPLICATION, OBJECTIVES AND PRINCIPLES, AND SPECIAL TREATMENT OF LDCS. NUMBER TWO (GABULDON OF VENEZUELA) TO HANDLE RESTRICTIVE BUSINESS PRACTICES (RBPS) AND GUARANTEES OR RESPONSIBILITIES OF ENTERPRISES. NUMBER THREE (NAYAK OF INDIA) HAS NATIONAL LEGISLATION, APPLICABLE LAW AND SETTLEMENT OF DISPUTES AND OTHER PROVISIONS. THE U.S. (LOCKWOOD) SERVES AS GROUP B COORDINATOR AND SPOKESMAN, AND WIONZECK OF MEXICO HEADS UP THE GROUP OF 77.

3. AT EARLY PLENARY SESSION THE G-77 MADE STATEMENT WHICH PLACES CODE IN CONTEXT OF NIEO AND "NEW INTERNATIONAL LEGAL ARRANGEMENTS". WITH NO LITTLE PRODDING FROM U.S., GROUP B MADE FOLLOWING INTRODUCTORY STATEMENT: QUOTE: MR. CHAIRMAN, THE MEMBERS OF GROUP B ATTACH GREAT IMPORTANCE TO THE DEVELOPMENT AND TRANSFER OF TECHNOLOGY. IN THEIR STATEMENTS ON THE FIRST DAY OF OUR MEETING SECRETARY GENERAL COREA AND YOU, MR. CHAIRMAN, VERY ELOQUENTLY UNDERLINED THE IMPORTANCE OF THE WORK BEFORE US. WE HAVE ALL COME TO A FULL AWARENESS THAT TECHNOLOGY, ITS DEVELOPMENT AND TRANSFER, IS A VITAL ELEMENT IN THE SOCIAL AND ECONOMIC STRENGTH OF ALL COUNTRIES, AND ESPECIALLY THAT OF DEVELOPING COUNTRIES.

IN MEETING THE URGENT NEEDS OF THE DEVELOPING COUNTRIES, THE MEMBERS OF GROUP B BELIEVE THAT A UNIVERSALLY APPLICABLE CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY IS AN IMPORTANT ELEMENT IN THE CHAIN OF ACTIONS WHICH SHOULD BE TAKEN BY ALL NATIONS IN THIS FIELD. UNCTAD IV WAS AN EXCELLENT EXPRESSION OF THIS CHALLENGE; WE EVIDENCED A CONSENSUS THAT BOTH SUPPLIERS AND RECIPIENTS OF TECHNOLOGY PERCEIVE THE NEED FOR CONCERTED EFFORTS IN AREAS SUCH AS RESEARCH AND DEVELOPMENT, TRAINING, INFORMATION, INDUSTRIAL PROPERTY, RESTRICTIVE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GENEVA 09061 151150Z

BUSINESS PRACTICES AND ECONOMIC INCENTIVES AND DISINCENTIVES. WE ARE CONFIDENT THAT THE CODE OF CONDUCT WHICH THIS GROUP OF EXPERTS IS WORKING SO VERY HARD ON REPRESENTS A VITAL PART OF THE LARGER SCHEME OF THINGS.

THE SPECIFIC TASK BEFORE US IS TO PROPOSE LANGUAGE, AND ULTIMATELY TO REACH CONSENSUS ON CONCRETE PROVISIONS OF A UNIVERSALLY APPLICABLE DRAFT CODE OF CONDUCT.

WE DRAFT, OF COURSE, WITHOUT PREJUDICE TO THE FINAL LEGAL NATURE OF THE CODE, WHICH WILL BE DECIDED UPON BY A UN CONFERENCE AS REQUIRED BY UNCTAD IV RESOLUTION 89(IV).

WE NOTE, HOWEVER, THAT THE G-77 PLACES THE CODE OF CONDUCT WITHIN THE FRAMEWORK OF NEW INTERNATIONAL LEGAL ARRANGEMENTS WHICH SHOULD BE ESTABLISHED CONCERNING WORLD TECHNOLOGY TRADE. THE COUNTRIES OF GROUP B HAVE STARTED THEIR BELIEF THAT THE TECHNOLOGY CODE SHOULD SET OUT GENERAL AND EQUITABLE PRINCIPLES WHICH WOULD ENCOURAGE, FACILITATE AND MAXIMIZE THE TRANSFER OF TECHNOLOGY. THE DEVELOPED COUNTRIES OF GROUP B BELIEVE THAT THIS SHOULD BE ACCOMPLISHED BY ESTABLISHING VOLUNTARY GUIDELINES. THIS IS THE WORKING HYPOTHESIS UPON WHICH GROUP B PROCEEDS WITH THE VITAL TASK OF DRAFTING.

MR. CHAIRMAN, THE MEMBERS OF GROUP B ARE ANXIOUS TO IMMEDIATELY TURN TO THE TASK BEFORE US. WE UNDERSTAND THAT THE SECTIONS ON OBJECTIVES AND PRINCIPLES, DEFINITIONS AND SCOPE OF APPLICATION WILL CONSTITUTE THE BEGINNING OF THIS IMPORTANT WORK, TO BE ACCOMPANIED BY DISCUSSIONS ON OTHER SECTIONS. WE ARE DEDICATED TO THE PRINCIPLE THAT THIS WORK WILL CONTRIBUTE ABUNDANTLY TO THE BENEFITS TO BE DERIVED FROM THE INTERNATIONAL TRANSFER OF TECHNOLOGY, AND IN PARTICULAR TO THE DEVELOPMENT OF DEVELOPING COUNTRIES. UNQUOTE.

4. WORKING GROUP 1. MAJOR PORTION OF THIS SESSION OF THE IGG WILL BE DEVOTED TO FIRST SECTIONS OF CODE. THE G-77 AND GROUP D SUBMITTED NEW DRAFTS ON DEFINED LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 GENEVA 09061 151150Z

NITIONS, SCOPE OF APPLICATION, AND OBJECTIVES AND PRINCIPLES. DEBATE ON DEFINITIONS REVEALED MAJOR DIFFERENCES ON SOME POINTS, BUT WITH A FEW PROVISIONS QUITE CLOSE. VERY SIGNIFICANT GAPS APPEAR THROUGHOUT THE OBJECTIVES AND PRINCIPLES CHAPTER. SUBSTANTIAL PRESSURE IS BEING APPLIED BY G-77 AND SECRETARIAT TO DRAFT AS MUCH LANGUAGE AS POSSIBLE IN FORM OF CONSOLIDATED TEXTS. GROUP B IS VERY CAUTIOUS. LIKELY OUTCOME IS AD REFERENDUM TEXTS WITH HEAVILY BRACKETED PROVISIONS AND SOME FOR WHICH NO JOINT LANGUAGE IS POSSIBLE. MAJOR TASK FOR GROUP B COUNTRIES WILL BE IN DEPTH REVIEW TO DETERMINE HOW FAR THEY ARE ABLE TO GO, POLITICALLY AND TECHNICALLY, AT SESSIONS IN 1977.

5. WORKING GROUP 2 WILL MEET ON NOV. 15 TO RECEIVE NEW G-77 DRAFT ON RBPS. MOST COUNTRIES HAVE NO RBP EXPERTS PRESENT AND THERE WILL ONLY BE GENERAL DISCUSSION OF THIS CHAPTER. GROUP B INTENDS RAISE SERIES OF QUESTIONS ON REVISED G-77 TEXT WHICH HAS BERY FEW CHANGES FROM ORIGINAL DRAFT. THIS CHAPTER IS GOING TO BE AN EXTREMELY DIFFICULT ONE TO AGREE ON. NO DRAFTING IS TO BE DONE AT THIS SESSION.

6. WORKING GROUP 3 IS TO HAVE BRIEF MEETING TO CONVENE ITSELF, WITH NO SUBSTANTIVE WORK AT THIS SESSION.
ABRAMS

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, INTERGOVERNMENTAL COOPERATION, TECHNOLOGICAL EXCHANGES
Control Number: n/a
Copy: SINGLE
Draft Date: 15 NOV 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976GENEVA09061
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760425-0707
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761149/aaaabpwx.tel
Line Count: 181
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 28 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 APR 2004 by CollinP0>; APPROVED <27 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: UNCTAD INTERGOVERNMENTAL GROUP OF EXPERTS ON A CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY
TAGS: TECH, UNCTAD, IGG
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006